

Article 3: Environmental Health Quality Controls
(Retitled from "Water Quality Controls" on 3-8-1994 by O-18047 N.S.)

**Division 2: Construction, Repair,
Reconstruction or Destruction of Wells**
(*"Construction, Repair,
Reconstruction or Destruction of Wells"*
added 7-16-1975 by O-11652 N.S.)

§43.0201 Purpose and Intent

It is the purpose of this division to further protect the environmental quality in this City by providing for the construction, repair and reconstruction of wells to the end that the ground water of this City will not be polluted or contaminated and that water obtained from such wells will be suitable for the purpose for which used and will not jeopardize the health, safety or welfare of the people of this City, and for the destruction of abandoned wells or wells found to be public nuisances to the end that such wells will not cause pollution or contamination of ground water or otherwise jeopardize the health, safety or welfare of the people of this City.
(*"Purpose and Intent"* added 7-16-1975 by O-11652 N.S.)

§43.0202 Definitions

The following words shall have the meaning provided in this section:

- (a) "Abandoned and Abandonment" shall apply to a well which has not been used for a period of one year, unless the owner declares in writing, to the Health Officer, his intention to use the well again for supplying water or other associated purposes (such as an observation well or injection well) and receives approval of such declaration from the Health Officer. All such declarations shall be renewed annually and at such time be resubmitted to the Health Officer for approval. Test holes and exploratory holes shall be considered abandoned twenty-four hours after construction work has been completed, unless otherwise approved by the Health Officer of San Diego County.
- (b) "Abatement" means the construction, reconstruction repair or destruction of a well so as to eliminate a nuisance caused by a well polluting or contaminating ground water.
- (c) "Agricultural Well" means a water well used to supply water for irrigation or other agricultural purposes, including so-called stock wells.

- (d) "Cathodic Protection Well" means any artificial excavation in excess of 20 feet constructed by any method for the purpose of installing equipment or facilities for the protection, electrically, of metallic equipment in contact with the ground. (See definitions of deep anode bed and shallow anode bed.)
- (e) "Commercial Well" means a water well used to supply a single commercial establishment.
- (f) "Community Water Supply Well" means a water well used to supply water for domestic purposes in systems subject to Chapter 7 of Part I of Division 5 of the California Health and Safety Code.
- (g) "Construct Reconstruct (Construction, Reconstruction)" means to dig, drive, bore, drill or deepen a well, or to re-perforate, remove, replace, or extend a well casing.
- (h) "Contamination" means an impairment of the quality of water to a degree which creates a hazard to the public health through poisoning or through spread of disease.
- (i) "Deep Anode Bed" means any cathodic protection well more than 50 feet deep.
- (j) "Destruction" means the proper filling and sealing of a well that is no longer useful so as to assure that the ground water is protected and to eliminate a potential physical hazard.
- (k) "Electrical Grounding Well" means any artificial excavation in excess of 20 feet constructed by any method for the purpose of establishing an electrical ground.
- (l) "Health Officer" means the Health Officer of San Diego County or his designee.
- (m) "Individual Domestic Well" means a water well used to supply water for domestic needs of an individual residence.
- (n) "Industrial Well" means a water well used to supply an industry on an individual basis.

- (o) "Modification, Repair or Reconstruction" means the deepening of a well or the reperforation or replacement of a well casing and all well repairs and modifications that can affect the ground water quality.
- (p) "Observation Well" means a well used for monitoring or sampling the conditions of water-bearing aquifer, such as water pressure, depth, movement or quality.
- (q) "Order of Abatement" means both mandatory and prohibitory orders requiring or prohibiting one or more acts; said term shall also include those orders effective for a limited as well as an indefinite period of time, and shall include modifications or restatements of any order.
- (r) "Permit" means a written permit issued by the Health Officer permitting the construction, reconstruction, destruction, or abandonment of a well.
- (s) "Person" means any person, firm, corporation or governmental agency.
- (t) "Pollution" means an alteration of the quality of water to a degree which unreasonably affects (1) such waters for beneficial uses, or (2) facilities which serve such beneficial uses. Pollution may include contamination.
- (u) "Public Nuisance", when applied to a well, means any well which threatens to impair the quality of ground water or otherwise jeopardize the health and safety of the public.
- (v) "Salt Water (Hydraulic) Barrier Well" means a well used for extracting water from or injecting water into the underground as a means of preventing the intrusion of salt water into a fresh water bearing aquifer.
- (w) "Shallow Anode Bed" means any cathodic protection well more than 20 feet deep but less than 50 feet deep.
- (x) "Test or Exploratory Hole" means any excavation used for determining the nature of underground geological or hydrological conditions, whether by seismic investigation, direct observation or any other means.
- (y) "Well" means any artificial excavation constructed by any method for the purpose of extracting water from or injecting water into the underground, for providing cathodic protection or electrical grounding of equipment, for making tests or observations of underground conditions, or for any other similar purpose. Wells shall include, but shall not be limited to, community

water and supply wells, individual domestic wells, commercial wells, industrial wells, agricultural wells, cathodic protection wells, electrical grounding wells, test and exploratory holes, observations wells and salt water (hydraulic) barrier wells, as defined herein, and other wells whose regulation is necessary to accomplish the purposes of this division.

Wells shall not include: (1) oil and gas wells, geothermal wells or other wells construction under the jurisdiction of the State Department of Conservation, except those wells converted to use as water wells; (2) wells used for the purpose of dewatering excavations during construction, or stabilizing hillsides or earth embankments; or (3) other wells whose regulation is not necessary to fulfill the purpose of this division as determined by the Health Officer.
(*"Definitions" added 7-16-1975 by O-11652 N.S.*)

§43.0203 State Reporting

Nothing contained in this division shall be deemed to release any person from compliance with the provisions of Article 3 of Chapter 10 of Division 7 of the Water Code of the State of California or any successor thereto.
(*"State Reporting" added 7-16-1975 by O-11652 N.S.*)

§43.0204 Standards — General

No person shall construct, repair, reconstruct or destroy any well subject to this division which does not conform to the standards established herein.
(*"Standards — General" added 7-16-1975 by O-11652 N.S.*)

§43.0205 Standards for Water Wells

Standards for the construction, repair, reconstruction or destruction of water wells shall be as set forth in Chapter II of State Department of Water Resources Bulletin No. 74 (three copies of which have been filed with the City Clerk) with the following modifications:

(a) Part II, Section 8(A)

ADD: To footnote 1/ "Shallow dug, or bored wells used or community water supply shall be located at least 250 feet from any sewage disposal facility."

(b) Part II, Section 9(A)

SUBSTITUTE: "20 ft. 1/" for "none 3/" (this automatically deletes the 3/

footnote.).

- (c) Part II, Section 9(E)

ADD: Following footnote following section title: "***Exception — where the air–rotary method is used for individual domestic wells 8" in diameter or smaller, the thickness of seal may be reduced to 1".

- (d) Part II, Section 10(B)

DELETE: Entire section with exception of that portion of the first sentence which states: "Because of their susceptibility to contamination and pollution, the use of well pits should be avoided."

- (e) Part II, Section 15(A), Item 3

DELETE: Phrase: "Where the water is to be used for domestic purposes."

- (f) Part II, Section 16

DELETE: From Section 16 title the words: "Large diameter" and
SUBSTITUTE: the words "Bored or dug."

- (g) Part II, Section 16(A)

DELETE: Word "Underground" from last sentence so sentence reads: "When used for this purpose, these wells shall be located at least 250 feet from any sewage disposal facility."

("Standards for Water Wells" added 7–16–1975 by O–11652 N.S.)

§43.0206 Standards for Cathodic Protection Wells

Standards for the construction, repair, reconstruction or destruction of cathodic protection wells shall be as set forth in Bulletin No. 74–1 of the State Department of Water Resources (three copies of which are filed with the City Clerk) with the following modifications:

- (a) Chapter II, Part I, Section 1–A

DELETE: Definition of "Cathodic Protection Well" as printed and
ADD: "A. Cathodic Protection Well" a cathodic protection well means an

artificial excavation in excess of 20 feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of

metallic equipment in contact with the ground, commonly referred to as Cathodic Protection.

- (b) Chapter II, Part II, Section 8

DELETE: Word "Location" in Title and

ADD: Word "Construction" so title reads: "Well Construction with Respect to Pollutants"

- (c) Chapter II, Part II, Section 10

DELETE: Subsection A-4 and the asterisked footnote in their entirety.

- (d) Chapter II, Part III, Section 13B

DELETE: Phrase "If the casing is 8 inches or larger in diameter" thereby leaving the phrase "The well is covered with an appropriate locked cap."

(*"Standards for Cathodic Protection Wells" added 7-16-1975 by O-11652 N.S.*)

§43.0207 Nuisances — Investigation

The County Health Officer may, upon reasonable cause to believe that an abandoned well or other well is causing a nuisance by polluting or contaminating ground water, or constitutes a safety hazard, investigate the situation to determine whether such a nuisance does in fact exist. He shall have the power, when in the performance of his duty and upon first presenting his credentials and identifying himself as an employee of the County Health Department to the person apparently in control of the premises, if available, to enter upon any such premises between the hours of 8:00 a.m. and 6:00 p.m., to discover or inspect any thing or condition which appears to indicate such a nuisance. He may examine such premises, things or conditions, take such samples and make such tests as needed and take any other steps reasonably necessary for the proper investigation and determination of whether such a nuisance exists.

(*"Nuisances — Investigation" added 7-16-1975 by O-11652 N.S.*)

§43.0208 Order to Abate Nuisance

Whenever the Health Officer determines that an abandoned or other well is causing a nuisance by polluting or contaminating ground water, or constitutes a safety hazard, he may issue a written order requiring that the conditions productive of the nuisance be abated within a period of ten days thereafter and shall forthwith serve the order upon the person occupying the premises, if any, and if no person occupies the premises, the order shall be posted upon said premises in a conspicuous place. In

addition, a copy shall be mailed to the owners of the premises as their names and addresses appear upon the last equalized assessment roll. The Health Officer may for good cause extend the time specified in the order or otherwise modify or rescind the order.

The order of abatement shall advise the possessors and owners of the property of their right to appeal to the City Council and to stay the order of abatement pending such appeal.

(“Order to Abate Nuisance” added 7-16-1975 by O-11652 N.S.)

§43.0209 Appeal from Order of Abatement

Any person who has been given an order of abatement may, within ten days following the receipt of the order of abatement, file an appeal in writing to the City Council. Said appeal shall be accompanied by a filing fee of twenty-five dollars (\$25.00) and shall specify the grounds upon which the appeal is taken. The City Clerk shall then proceed to set the matter for hearing, not later than 20 days thereafter, and such appeal shall stay the effect of any order issued pursuant to Section 43.0208 until the City Council hears the appeal and issues its order either to affirm, overrule or modify the action of the Health Officer. Notice of the hearing shall be mailed to the appealing party at least five days prior to the hearing.

(“Appeal from Order of Abatement” added 7-16-1975 by O-11652 N.S.)

§43.0210 Abatement by County Health Officer

In the event that a nuisance is not abated in accordance with an order of abatement, the Health Officer may, upon securing the approval of the City Council, proceed to abate the nuisance by force account, contract or any other method deemed most expedient by the City Council.

(“Abatement by County Health Officer” added 7-16-1975 by O-11652 N.S.)

§43.0211 Payment of Costs

The Health Officer shall prepare and file with the City Clerk a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the well is or was located, and the names and addresses of the record owner, the holder of any mortgage or deed of trust of record, and any other person known to have a legal interest in the property.

A hearing shall be held on said report and any protests or objections thereto, and notice of the hearing shall be mailed to the persons with a legal interest in the property at least ten days prior to the date set for the hearing. The City Council shall

determine at the hearing the correct charge to be made for the work.

All costs of abatement carried out under the terms of this section shall constitute a charge and special assessment against the parcel of land involved. If such costs are not paid within 60 days, they shall then be declared a special assessment against that property as provided in Government Code Section 25845. The assessment shall be collected at the same time and in the same manner as ordinary City taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes shall be applicable to such special assessment. In addition to its rights to impose said special assessment, the City shall retain the alternative right to recover its costs by way of civil action against the owner and person in possession of control jointly and severally.

(“Payment of Costs” added 7-16-1975 by O-11652 N.S.)

§43.0212 Construction, Repair, Reconstruction and Destruction of Wells — Acts Prohibited

No person shall construct, repair, reconstruct or destroy any well unless a written permit has first been obtained from the Health Officer as provided in this division, and unless the work done shall conform to the standards specified in this division and all the conditions of the said permit.

(“Construction, Repair, Reconstruction and Destruction of Wells — Acts Prohibited” added 7-16-1975 by O-11652 N.S.)

§43.0213 Permits

(a) APPLICATIONS. Applications for permits shall be made to the Health Officer and shall include the following:

- (1) A plot plan showing the location of the well with respect to the following items within a radius of 250 feet from the well:
 - (A) Property lines.
 - (B) Waste disposal systems or works carrying or containing sewage, industrial wastes, or solid wastes.
 - (C) All intermittent or perennial, natural or artificial bodies of water or water courses.
 - (D) The approximate drainage pattern of the property.

- (E) Other wells.
 - (F) Structures, surface or subsurface.
 - (2) Location of the property, and the Assessor's parcel number.
 - (3) The name of the person who will construct the well.
 - (4) The proposed minimum and the proposed maximum depth of the well.
 - (5) The proposed minimum depths and types of casings and minimum depths of perforations to be used.
 - (6) The proposed use of the well.
 - (7) Other information as may be necessary to determine if the underground waters will be adequately protected.
- (b) FEES. Each application shall be accompanied by a fee, the exact amount of which shall be determined by the County and kept on record by the County Department of Health Services and on file in the City Clerk's Composite Rate Book, and shall be made payable to the Director of Public Health Services.
- (c) CONDITIONS. Permits shall be issued in compliance with the standards provided in this division except that such standards shall be inapplicable or modified as expressly provided by the Health Officer in such permit upon his finding that such modifications or inapplicability will accomplish the purposes of this ordinance. Permits may also include any other condition or requirement found by the Health Officer to be necessary to accomplish the purposes of this division.
- (d) GROUNDS FOR REFUSAL OF PERMIT. The Health Officer may refuse to issue a permit for any of the following reasons:
- (1) The applicant is not a person authorized to perform the work as provided in this division.
 - (2) The applicant fails to post the required surety bond or cash deposit as provided in this division.
 - (3) The permit application is not in proper form.

- (4) The proposed well would create a water pollution problem or would aggravate a pre-existing water pollution problem or would violate any of the standards established in this division.
- (e) **TERMS, COMPLETION OF WORK.** The permittee shall complete the work authorized by the permit within the time and before the date set out in the permit. The permittee shall notify the Health Officer in writing upon completion of the work and submit a copy of the well drilling log and no work shall be deemed to have been completed until such written notification and a copy of the well drilling log have been received. A final inspection of the work shall be made by the Health Officer unless such inspection is waived by him, and no permittee shall be deemed to have complied with this division or his permit until such inspection has been performed or waived.
- (f) **GUARANTEE OF PERFORMANCE.** Prior to the issuance of a permit, the applicant shall post with the Health Officer a cash deposit or bond guaranteeing compliance with the terms of this division and the applicable permit, such bond to be in an amount deemed necessary by the Health Officer to remedy improper work, but not in excess of twenty-five hundred dollars (\$2500.00). Such deposit of bond may be waived by the Health Officer where other assurances of compliance are deemed adequate by him.
- (g) **CONTINUOUS BOND OR CASH DEPOSIT.** In lieu of furnishing a separate bond for each permit as provided above, a properly licensed contractor may deposit with the Health Officer a surety bond or cash deposit in the amount of twenty-five hundred dollars (\$2500.00), which bond or cash deposit shall be available to remedy any improper work done by the contractor pursuant to any permit issued under this division.
- (h) **REVIEW AND APPEAL.** Any person aggrieved by the refusal of a permit or the terms of a permit required by this article may appeal in writing to the City Council. The City Council shall, within forty (40) days after the filing of an appeal, hold a hearing on said appeal and shall mail notice in writing of the date thereof to the appellant and applicant at least five (5) days before the hearing date. The decision of the City Council shall be rendered within ten (10) days after the initial hearing date and shall be binding upon the parties except that the determinations made by the Health Officer relating directly to the public health may not be overruled or modified by City Council.

(Amended 3-7-1983 by O-15914 N.S.)

§43.0214 Person Authorized to Perform Work

Construction, reconstruction, repair, and destruction of wells shall be performed by a contractor licensed in accordance with the provisions of the Contractors' License Law (Business & Professional Code, Ch. 9, Div. 3) unless exempted by that law.
(*"Person Authorized to Perform Work" added 7-16-1975 by O-11652 N.S.*)

§43.0215 Inspections

- (a) Upon receipt of an application, an inspection of the well location may be required by the Health Officer to be made by the Health Officer prior to issuance of a well permit.
- (b) The Health Officer or any person designated by the Health Officer may inspect the work in progress and may enter the premises at any reasonable time for the purpose of performing such inspection.
- (c) After work has been completed pursuant to any permit the Health Officer shall be notified by the person performing the work and Health Officer shall make a final inspection of the completed work to determine compliance with the well standards.
(*"Inspections" added 7-16-1975 by O-11652 N.S.*)

§43.0216 Expiration of Permit

Each permit issued pursuant to this division shall expire and become null and void if the work authorized thereby has not been completed within one hundred twenty (120) days following the issuance of the permit.

Upon expiration of any permit issued pursuant hereto, no further work may be done in connection with construction, repair, reconstruction, or abandonment of a well unless and until a new permit for such purpose is secured in accordance with the provisions of this division.

(*"Expiration of Permit" added 7-16-1975 by O-11652 N.S.*)

§43.0217 Extension of Permit

Any permit issued pursuant to this division may be extended at the option of the Health Officer. Each individual extension granted by the Health Officer shall be for not longer than one hundred twenty (120) days. In no event shall the Health Officer grant an extension which would make the total term of the permit exceed one year. Application for extension shall be made on a form provided by the Health Officer.

The fee for submitting such application shall be determined by the County and shall be paid directly to the County Department of Health Service.

(Amended 3-7-1983 by O-15914 N.S.)

§43.0218 Revocation or Suspension

- (a) A permit issued hereunder may be revoked or suspended by the Health Officer as hereinafter provided if he determines that a violation of this division exists, that written notice has been directed to permittee specifying the violation and that the permittee has failed or neglected to make the necessary adjustments within thirty (30) days after receiving such notice.
- (b) A permit may be so revoked or suspended by the Health Officer if he determines at a hearing for such purpose that the person to whom any permit was issued pursuant to this division has obtained the same by fraud or misrepresentation, provided that notice of the time and place of such hearing is given to the permittee at least five (5) days prior thereto.
- (c) The suspension or revocation of any permit shall not be effective until notice thereof in writing is mailed to the permittee, and the time for filing an appeal to the City Council has expired. The notice shall advise the permittee of his right to appeal to the City Council and to stay the suspension or revocation pending such appeal.

(“Revocation or Suspension” added 7-16-1975 by O-11652 N.S.)

§43.0219 Log of Well

Any person who has drilled, dug, excavated or bored a well shall, upon completion of the well, submit to the Health Officer an accurate and complete log to include:

- (a) A detailed record of the boundaries, character, size distribution and color of all lithologic units penetrated.
- (b) Type of well casing.
- (c) Location of perforations and sealing zones.
- (d) Any other data deemed necessary by the Health Officer. In areas where insufficient subsurface information is available, the Health Officer may require inspection of the well log prior to any operation.

(“Log of Well” added 7-16-1975 by O-11652 N.S.)